

Patent
Attorney's Docket No.00015-067US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
)	
David Feifel)	Group Art Unit: 1649
)	
Application No.: 10/538,245)	Examiner: Aditi DUTT
)	
Filed: June 7, 2005)	Confirmation No.: 3580
)	
For: METHOD OF INHIBITING NEURAL)	
TRANSMISSION MEDIATED BY)	
SEROTONIN-2A AND ENHANCING)	
SENSORIMOTOR GATING)	
)	
)	
)	

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, David Feifel, having an address at 7749 Moonridge Place, La Jolla, California, 92037 am the inventor of the above-captioned United States Patent Application Serial No.10/538,245, which claims priority to International Patent Application Serial No. PCT/US03/039196, filed December 8, 2003 and United States Provisional Patent Application No. 60/431,937, filed December 9, 2002.

2. I am familiar with the prosecution history of Patent Application Serial No. 10/538,245. I understand that Shilling et al. (Behav. Brain Res. 143:7-14, July 2003), one of my own publications, is being cited as a reference against the pending application, having been published less than one year prior to the filing of the corresponding PCT application.

3. I submit that publication by Shilling et al. is not an invention "by another" and therefore is unavailable as a reference against the pending application.

4. The Shilling et al. reference includes the following authors: P.D. Shilling, E. Richelson and D. Feifel.

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5. P.D. Shilling and E. Richelson were contributing authors to the article published in Behavioral Brain Research (143:7-14, July 2003). P.D. Shilling and E. Richelson worked at the direction and under the supervision of myself, D. Feifel. P.D. Shilling contributed to the writing of the article and E. Richelson was listed as a courtesy based upon the use of certain materials that were donated for the research.

6. The conception of the invention disclosed in the present application was mine alone and was reduced to practice using my hands or under my direction and supervision. P.D. Shilling and E. Richelson are not inventors of the present application.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date

4/27/10David Feifel